

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FOSTER MARITIME INC.,

Plaintiff,

-against-

GLOBAL LOGISTICS CO., LTD.,

Defendant.

08 Civ. 10513 (PGG)

ORDER

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ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 5/8/09

PAUL G. GARDEPHE, U.S.D.J.:

WHEREAS this Court issued an Ex Parte Order for Process of Maritime Attachment and Garnishment on December 8, 2008; and

WHEREAS this Court ordered Plaintiff Foster Maritime Inc. to show good cause by March 9, 2009 why this action should be maintained as no assets of Defendant Global Logistics Co., Ltd had been attached (Order dated Feb. 6, 2009, Docket No. 7); and

WHEREAS this Court extended Plaintiff's time to show good cause until May 4, 2009 (Order dated March 4, 2009, Docket No. 8); and

WHEREAS Plaintiff has neither notified the Court that Defendant's assets have been attached nor shown good cause why this action should be maintained; it is hereby

ORDERED that the Rule B Order is vacated; and it is further

ORDERED that any restraint of any assets or other property authorized by the Rule B Order is hereby vacated, and, if any assets or other property have been

restrained by a garnishee pursuant to the Rule B Order, Plaintiff must serve a copy of this Order on Defendant and any garnishee by the means provided for in the Rule B Order by May 11, 2009; and it is further

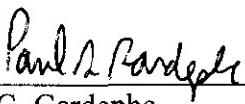
ORDERED that this action is dismissed without prejudice; and it is further

ORDERED that if Plaintiff chooses to commence a new action concerning the dispute described in the Verified Complaint in the Southern District of New York, Plaintiff shall designate the new action as related to this action.

The Clerk of the Court is directed to close this case.

Dated:           New York, New York  
                  May 8, 2009

SO ORDERED.

  
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Paul G. Gardephe  
United States District Judge